

AO 91 (rev.11/11) Criminal Complaint

AUTHORIZED AND APPROVED DATE: Mark R. Stoneman, 5/19/2023

United States District Court
for the

WESTERN

DISTRICT OF

OKLAHOMA

United States of America

v.

TYLER JAY MARSHALL,

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)
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)

Case No: MJ-23-405-STE

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of May 15, 2023 in the county of Garfield, in the Western District of Oklahoma, the defendant violated:

*Code Section**Offense Description*

18 U.S.C. § 875(c)

Transmitting in Interstate Commerce a Communication Containing a Threat,

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent, Timothy Bragg, FBI which is incorporated and made a part hereof by reference.

☒ Continued on the attached sheet.


Complainant's signature

Timothy Bragg
Special Agent
FBI

Sworn to before me and signed in my presence.

Date: **May 19, 2023**

City and State: Oklahoma City, Oklahoma


Judge's signature

SHON T. ERWIN, U.S. Magistrate Judge
Printed name and title

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

**AFFIDAVIT IN SUPPORT OF
COMPLAINT AND ARREST WARRANT**

I, Timothy Bragg, Special Agent with the Federal Bureau of Investigation, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), where I investigate violations of federal criminal law. I have been a Special Agent with FBI since 2009. I am currently assigned to the Stillwater Resident Agency of the Oklahoma City FBI office. During my career, I have conducted investigations involving violations of federal criminal law relating to, but not limited to, international terrorism, domestic terrorism, violent crimes, threats to life, and firearms related offenses.

2. I have personally participated in the investigation set forth below. The facts in this Affidavit come from my personal observations, my review of documents related to this investigation, oral and written communications with others who have personal knowledge of the events and circumstances described herein, a review of public source information including information available on the Internet, my training and experience, and information obtained from other agents and witnesses. This Affidavit is intended to show there is sufficient probable cause for the requested complaint and warrant, but does not set forth all of my knowledge about this matter.

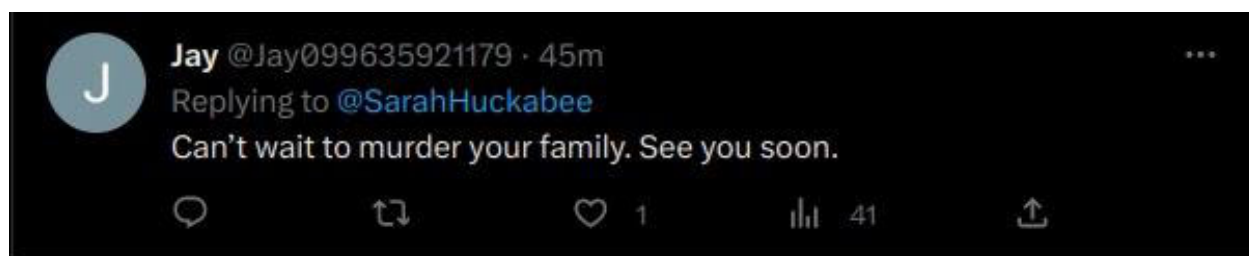
3. Based on my training and experience and the facts set forth in this Affidavit, I believe there is probable cause to believe that Tyler Jay Marshall (MARSHALL) violated

18 U.S.C. § 875(c) on or about May 15, 2023, by transmitting in interstate commerce a communication containing a threat to injure another.

4. On May 15, 2023, FBI received information from the Oklahoma Information Fusion Center (OIFC) regarding multiple posts made on the online social media platform Twitter, which consisted of threats to kill Oklahoma Governor Kevin Stitt, Arkansas Governor Sarah Huckabee Sanders, and United States Senator Ted Cruz. The OIFC stated that the threats they had discovered were made by a Twitter user, identified by username @Jay099635921179 (“@Jay”). OIFC first viewed these threats between approximately 10:30PM (CST) to approximately 11:00PM (CST) on May 15, 2023. Screen shots of the posts were collected by the OIFC and provided to the FBI. Specifically, thirty-eight minutes prior to OIFC viewing the threats, @Jay posted the following string of replies directly to the Twitter account belonging to Gov. Stitt:



Approximately six minutes prior to these posts, @Jay posted the following reply directly to the Twitter account belonging to Gov. Sanders.



¹ The specific reply reading, "So sad they will be shot with you," was in response to a photo K.S. had tweeted of his mother, wife, and daughters in honor of Mother's Day.

Approximately one minute prior to this post, @Jay posted the following reply directly to the Twitter account belonging to Sen. Cruz:



Approximately one minute prior to this post, @Jay posted two replies directly to the Twitter account belonging to Gov. Stitt:



5. FBI assesses that these threats were made over an approximate eleven-minute period, between the approximate hours of 9:30PM (CST) and 10:00PM (CST) on May 15, 2016. This assessment is based on the fact that the OIFC first reported the threats to FBI at 10:09PM (CST), their report stated that the threats were posted “within the last 40 minutes,” and that threats were observed as recent as 10 minutes prior to the notification of FBI.

6. Upon receipt of this threat information, FBI served an Emergency Disclosure Request on Twitter, seeking the subscriber information associated with Twitter account @Jay between the dates of April 16 and May 16, 2023. After this request, Twitter disclosed to FBI that @Jay was created on May 1, 2023, utilizing internet protocol (IP) address 150.253.125.19. The account was created with email address gopshoulldiesoon@gmail.com. Further, IP logs provided by Twitter identified multiple private IP addresses and one public IP address were utilized to access the @Jay Twitter account on May 15, 2023, from 9:34PM (CST) to 10:48PM (CST). The one public IP address was identified as 150.253.125.19, which was used to access the @Jay Twitter account on May 15, 2023, at 10:48PM (CST).

7. Based on the information provided by Twitter, FBI served an Emergency Disclosure Request on Google, LLC (Google) requesting Google provide the subscriber information associated with gopshoulldiesoon@gmail.com. Pursuant to this request, Google disclosed to FBI that email address gopshoulldiesoon@gmail.com was created on May 1, 2023, utilizing IP address 150.253.125.19. The account had an associated recovery telephone number of 580-278-1114 (“1114”). Further review of the records provided by Google revealed the facts that: the Google account associated with gopshoulldiesoon@gmail.com remained logged into from May 1 through May 16, 2023; over a thirteen-day period between the dates May 1 through May 16, 2023, the account was utilizing IP address 150.253.125.19; and from May 7 through May 16, 2023, this account accessed the Google Chrome application from a mobile device using an operating system

identified as IOS_OS Version 16.1.1².

8. Open-source research conducted on telephone number 1114 determined the number to belong to T-Mobile. On May 16, 2023, FBI contacted T-Mobile about 1114 and was informed that T-Mobile had sold the number to a wholesale telecommunications provider identified as DISH Wireless. Subsequently, FBI served an Emergency Disclosure Request on DISH Wireless seeking the subscriber information associated with 1114. Pursuant to this request, DISH Wireless identified the subscriber of 1114 as Tyler Marshall, with a physical address of 715 E. Pine Avenue, Enid, OK 73701.³ As of May 16, 2023, 1114 was an active telephone number belonging to MARSHALL, which was activated on April 27, 2023.

9. On May 16, 2023, FBI was notified by the Department of Homeland Security, Federal Protective Service (“FPS”) of the discovery of threats made on Twitter by Twitter account @Jay against Gov. Stitt, Gov. Sanders, and Sen. Cruz. FPS provided screen shots of these threats to FBI; some of which were already provided to FBI by OIFC, and other screenshots were of threats not previously known to FBI. The following additional threats were made by @Jay on May 14, 2023:

² IOS 16.1.1 is Apple, Inc.’s proprietary mobile phone operating system that is compatible with iPhone models iPhone 8/iPhone X and newer. (<https://www.forbes.com/sites/gordonkelly/2022/11/10/apple-ios-1611-ios16-release-should-you-upgrade-new-iphone-update/amp/>).

³ 715 E. Pine Avenue is located next door to the **SUBJECT RESIDENCE**. As detailed below, it appears MARSHALL no longer lives at 715 E Pine.



⁴ Your Affiant has redacted the faces of the persons in this image.



These additional threats also included threats made on May 15 or 16, 2023:



10. Open-source research identified an additional Twitter account, that had made similar posts on Twitter on or about May 15 and 16, 2023 against Gov. Stitt and Florida Governor Ron DeSantis. The username of the additional Twitter account is Tyler Marshall/@TylerMa80863299.⁵ These threatening posts include:

⁵ Investigators do not yet have subscriber information on this additional account yet. However, it is reasonable to believe that the account is related to the @Jay Twitter account based on the name, timing, and similarity of posts.





11. A review of state court records revealed that MARSHALL was evicted from

his home, located at 715 E. Pine Ave., Enid, OK in December 2022. As a result, the home was turned over to the custody of the owner, property management company E-Towne based in Enid, OK. FBI learned from E-Towne that they had rented 715 E. Pine Ave, Enid, OK to a new tenant in March 2023. On May 17, 2023, a vehicle was observed parked at 715 E. Pine Ave. Oklahoma Department of Motor Vehicles (“DMV”) records revealed the registered owner the vehicle parked at 715 E. Pine Ave. is someone other than MARSHALL.

12. On May 16, 2023, FBI conducted physical surveillance in the vicinity of 715 E. Pine Ave, Enid, OK, and observed a 2019 blue Toyota 4Runner with tribal tag CH0 4113 parked in the driveway of 709 E. Pine Ave, Enid, OK, the SUBJECT RESIDENCE, which is a single-family home located to the immediate west of 715 E. Pine Ave. DMV records determined this vehicle to be registered to MARSHALL. During the surveillance, a white male, later identified as J.R.⁶, was seen arriving at the SUBJECT RESIDENCE driving a red pickup truck with the logo of a local Enid small business.

13. On May 17, 2023, at or around 2:00PM (CST), MARSHALL’s Toyota 4Runner was again observed parked at the SUBJECT RESIDENCE. Additionally, while conducting a physical surveillance of MARSHALL’s vehicle at the SUBJECT RESIDENCE, MARSHALL arrived driving a red pick-up truck with markings on the doors indicating it was a work vehicle owned by the same small business as the truck driven by J.R. Upon exiting this vehicle, MARSHALL approached and, without knocking, entered

⁶ J.R.’s identity is known to FBI.

the front door of the SUBJECT RESIDENCE. Shortly after arriving at SUBJECT RESIDENCE, MARSHALL exited the residence, entered the red pick-up truck he arrived in, and departed the neighborhood. At 6:16 PM (CST), MARSHALL was observed returning to the SUBJECT RESIDENCE in the red pick-up truck, parked on the street in front of the house, and entered the SUBJECT RESIDENCE without knocking. At 6:30PM (CST), a white male (possibly MARSHALL) was observed exiting the SUBJECT RESIDENCE and entering MARSHALL's Toyota 4Runner, shortly before the Toyota 4Runner departed SUBJECT RESIDENCE. At 7:46PM (CST) MARSHALL's Toyota 4Runner was observed arriving at the SUBJECT RESIDENCE and parked in the driveway. A white male (possible MARSHALL) was observed exiting the Toyota 4Runner and entering the SUBJECT RESIDENCE. Throughout the night of May 17, 2023, and into the morning of May 18, 2023, FBI maintained physical surveillance on the SUBJECT RESIDENCE and did not observe MARSHALL, his Toyota 4Runner, or his red pick-up leave the SUBJECT RESIDENCE. On May 18, 2023, MARSHALL was observed exiting the front door at 6:33AM of SUBJECT RESIDENCE and departing the neighborhood, driving the red pickup truck (a 2019 Dodge Ram with an Oklahoma tag of 08C429) he had previously parked in front of the house the evening prior.

14. Open-source research determined IP address 150.253.125.19 belonged to internet service provider Dobson Wireless. On May 16, 2023, FBI served Dobson Wireless with an Emergency Disclosure Letter, seeking to identify which of their customers Dobson had assigned IP address 150.253.125.19 during the dates of May 15 and 16, 2023. Pursuant to this request, Dobson Wireless disclosed to FBI that IP address 150.253.125.19 was

assigned to a woman whose initials are N.R.⁷ at physical address 709 E. Pine, Enid, OK 73701 (the SUBJECT RESIDENCE).

15. On May 18, 2023, this Court authorized a search warrant on the SUBJECT RESIDENCE. On May 19, 2023, investigators executed the search warrant and interviewed MARSHALL who had been placed in investigative detention. MARSHALL acknowledged his rights under Miranda, consented to waive these rights in writing and agreed to answer questions. MARSHALL stated that he had been renting a room from J.R. at 709 E. Pine Ave, Enid, OK for the last few months. The only people who have lived at this address since he had started living there were J.R., N.R., and their two minor children. To MARSHALL's knowledge, no other person had spent the night at the residence since he had moved in. MARSHALL was shown a screen shot of the profile page for @Jay and stated that this was his account, and that he had created the account to "troll people online"⁸ a couple of weeks ago, one night when he was drunk. When asked who he was "trolling" online, MARSHALL stated that he was "trolling" people "like Senators". When asked which Senators he "trolled" online MARSHALL was not able to identify a specific Senator. MARSHALL then asked the interviewing Agent if this was about when he got "black out drunk" a couple of weeks ago. MARSHALL was shown a screen shot of a response @Jay made replying directly to Sen. Cruz's Twitter account which read "I'm gonna shoot you soon." MARSHALL responded to seeing this screen shot by saying "I

⁷ N.R.'s identity is known to FBI. N.R. has the same last name as J.R.

⁸ Your affiant understands the word "troll" in this context to mean the act of antagonizing others online by deliberately posting inflammatory, irrelevant, or offense comments or other disruptive content.

would never do that” and “I don’t have a gun”. MARSHALL was asked by FBI if he made the post and MARSHALL responded by saying that he wasn’t a violent person. FBI again asked if MARSHALL had made the post at which time MARSHALL terminated the interview.

16. FBI interviewed the other adult occupants of the SUBJECT RESIDENCE. They told investigators they had allowed MARSHALL to live with them after he was evicted from his previous home next door.

17. Based on the foregoing, I respectfully submit that there is probable cause to believe that Tyler Jay Marshall has violated 18 U.S.C. § 875(c) by transmitting in interstate commerce a communication containing a threat to injure another.

FURTHER YOUR AFFIANT SAYETH NOT.



Timothy Bragg, Special Agent
Federal Bureau of Investigation

SUBSRIBED AND SWORN to before me this 19th day of May, 2023.



SHON T. ERWIN
UNITED STATES MAGISTRATE JUDGE